

As Introduced

134th General Assembly

Regular Session

H. B. No. 458

2021-2022

Representative Hall

Cosponsors: Representatives Troy, Fowler Arthur, Gross, Wiggam, Stoltzfus, Riedel, Merrin

A BILL

To amend sections 323.17, 3501.01, 3513.301,
3513.312, and 3521.03 and to enact section
3521.04 of the Revised Code to eliminate August
special elections except when held to nominate
or elect candidates for the United States House
of Representatives.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 323.17, 3501.01, 3513.301,
3513.312, and 3521.03 be amended and section 3521.04 of the
Revised Code be enacted to read as follows:

Sec. 323.17. When any taxing authority in the county has
certified to the board of elections a resolution that would
serve to place upon the ballot at a general election or at any
special election held prior to the general election but
subsequent to the first Tuesday after the first Monday in ~~August~~
May the question of a tax to be levied on the current tax list
and duplicate for any purpose, or if the auditor has not
received the certified reduction factors as required by division
(D) (2) of section 319.301 of the Revised Code, the time for

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delivery of the tax duplicate of the county treasurer by the
county auditor as provided in section 319.28 of the Revised Code
shall be extended to the first Monday in December. When delivery
of the tax duplicate has been so delayed, the times for payment
of taxes as fixed by section 323.12 of the Revised Code may be
extended to the thirty-first day of January and the twentieth
day of July. In case of emergency the tax commissioner may, by
journal entry, extend the times for delivery of the duplicate in
any county for an additional fifteen days upon receipt of a
written application from the county auditor, in the case of a
delay in the delivery of the tax duplicate, or from the
treasurer regarding an extension of the time for the billing and
collection of taxes.

When a delay in the closing of a tax collection period
becomes unavoidable, the tax commissioner, upon application of
the county auditor and county treasurer, may extend the time for
payment of taxes if ~~he~~ the commissioner determines that
penalties have accrued or would otherwise accrue for reasons
beyond the control of the taxpayers of the county. The order so
issued by the commissioner shall prescribe the final extended
date for the payment of taxes for that collection period.

"Emergency," as used in this section, includes death or
serious illness, any organized work stoppage, mechanical failure
of office equipment or machinery, or a delay in complying with
section 5715.24 or 5715.26 of the Revised Code which will cause
an unavoidable delay in the delivery of duplicates or in the
billing or collection of taxes. Such application shall contain a
statement describing the emergency that will cause the
unavoidable delay. Any application from the county auditor for
an extension of time for delivery of the duplicate due to an
emergency must be received by the tax commissioner on or before

the last day of the month preceding the date required for such
delivery. When an extension of time for delivery of the
duplicate is so granted, the time for payment of taxes shall be
extended for a like period of time.

Whenever taxable real property has been destroyed or
damaged by fire, flood, tornado, or otherwise, in an amount not
less than twenty-five per cent of the value as listed and
assessed for taxation but in no event less than two thousand
dollars of taxable value, the county board of revision, by
resolution, may extend the time for payment of taxes on such
property not more than one year after the time fixed by section
323.12 of the Revised Code. The board shall file a copy of such
resolution with the county auditor and county treasurer, stating
the name of the owner and description as it appears on the tax
list, the taxing district, the type and kind of property
destroyed or damaged, and the board's estimate of the amount of
such destruction or damage.

Sec. 3501.01. As used in the sections of the Revised Code
relating to elections and political communications:

(A) "General election" means the election held on the
first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held
on the first Tuesday after the first Monday in November in each
odd-numbered year.

(C) "Regular state election" means the election held on
the first Tuesday after the first Monday in November in each
even-numbered year.

(D) "Special election" means any election other than those
elections defined in other divisions of this section. A special

election may be held only on the first Tuesday after the first
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Monday in May, ~~August,~~ or November, on the first Tuesday after
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the first Monday in August in accordance with section 3521.04 of
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the Revised Code, or on the day authorized by a particular
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municipal or county charter for the holding of a primary
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election, except that in any year in which a presidential
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primary election is held, no special election shall be held in
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May, except as authorized by a municipal or county charter, but
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may be held on the third Tuesday after the first Monday in
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March.
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(E) (1) "Primary" or "primary election" means an election
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held for the purpose of nominating persons as candidates of
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political parties for election to offices, and for the purpose
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of electing persons as members of the controlling committees of
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political parties and as delegates and alternates to the
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conventions of political parties. Primary elections shall be
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held on the first Tuesday after the first Monday in May of each
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year except in years in which a presidential primary election is
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held.
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(2) "Presidential primary election" means a primary
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election as defined by division (E)(1) of this section at which
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an election is held for the purpose of choosing delegates and
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alternates to the national conventions of the major political
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parties pursuant to section 3513.12 of the Revised Code. Unless
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otherwise specified, presidential primary elections are included
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in references to primary elections. In years in which a
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presidential primary election is held, all primary elections
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shall be held on the third Tuesday after the first Monday in
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March except as otherwise authorized by a municipal or county
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charter.
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| (F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party. | 109 110 111 |
| (1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election. | 112 113 114 115 116 |
| (2) "Minor political party" means any political party organized under the laws of this state that meets either of the following requirements: | 117 118 119 |
| (a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements. | 120 121 122 123 124 125 126 127 |
| (b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F) (2) (a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code. | 128 129 130 131 |
| A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president. | 132 133 134 135 136 137 |

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election. 138
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(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state. 144
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(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code. 151
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(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices. 157
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(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to 166
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appear on the office-type ballot at a general or special 168
election as the nominee of a political party because the 169
candidate has won the primary election of the candidate's party 170
for the public office the candidate seeks, has been nominated 171
under section 3517.012, or is selected by party committee in 172
accordance with section 3513.31 of the Revised Code. 173

(L) "Officer of a political party" includes, but is not 174
limited to, any member, elected or appointed, of a controlling 175
committee, whether representing the territory of the state, a 176
district therein, a county, township, a city, a ward, a 177
precinct, or other territory, of a major or minor political 178
party. 179

(M) "Question or issue" means any question or issue 180
certified in accordance with the Revised Code for placement on 181
an official ballot at a general or special election to be held 182
in this state. 183

(N) "Elector" or "qualified elector" means a person having 184
the qualifications provided by law to be entitled to vote. 185

(O) "Voter" means an elector who votes at an election. 186

(P) "Voting residence" means that place of residence of an 187
elector which shall determine the precinct in which the elector 188
may vote. 189

(Q) "Precinct" means a district within a county 190
established by the board of elections of such county within 191
which all qualified electors having a voting residence therein 192
may vote at the same polling place. 193

(R) "Polling place" means that place provided for each 194
precinct at which the electors having a voting residence in such 195
precinct may vote. 196

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| (S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code. | 197 198 199 |
| (T) "Political subdivision" means a county, township, city, village, or school district. | 200 201 |
| (U) "Election officer" or "election official" means any of the following: | 202 203 |
| (1) Secretary of state; | 204 |
| (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; | 205 206 207 208 |
| (3) Director of a board of elections; | 209 |
| (4) Deputy director of a board of elections; | 210 |
| (5) Member of a board of elections; | 211 |
| (6) Employees of a board of elections; | 212 |
| (7) Precinct election officials; | 213 |
| (8) Employees appointed by the boards of elections on a temporary or part-time basis. | 214 215 |
| (V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote. | 216 217 218 219 220 221 222 |
| (W) "Confirmation notice" means a notice sent by a board | 223 |

of elections, on a form prescribed by the secretary of state, to
a registered elector to confirm the registered elector's current
address.

(X) "Designated agency" means an office or agency in the
state that provides public assistance or that provides state-
funded programs primarily engaged in providing services to
persons with disabilities and that is required by the National
Voter Registration Act of 1993 to implement a program designed
and administered by the secretary of state for registering
voters, or any other public or government office or agency that
implements a program designed and administered by the secretary
of state for registering voters, including the department of job
and family services, the program administered under section
3701.132 of the Revised Code by the department of health, the
department of mental health and addiction services, the
department of developmental disabilities, the opportunities for
Ohioans with disabilities agency, and any other agency the
secretary of state designates. "Designated agency" does not
include public high schools and vocational schools, public
libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the
"National Voter Registration Act of 1993," 107 Stat. 77, 42
U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets
each of the following requirements:

(1) It shows the name of the individual to whom it was
issued, which shall conform to the name in the poll list or

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| signature pollbook. | 253 |
| (2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook. | 254 255 256 257 258 259 260 261 |
| (3) It shows a photograph of the individual to whom it was issued. | 262 263 |
| (4) It includes an expiration date that has not passed. | 264 |
| (5) It was issued by the government of the United States or this state. | 265 266 |
| Sec. 3513.301. (A) Notwithstanding section 3513.30 of the Revised Code and except as otherwise provided in division (B) (2) of this section, if only one person has filed a valid declaration of candidacy for nomination as the candidate of a political party for the office of representative to congress and that person withdraws as a candidate or dies at any time before the primary election, a special election shall be held under division (B) (1) of this section as soon as reasonably practicable to nominate the following: | 267 268 269 270 271 272 273 274 275 |
| (1) That party's candidate for congress; | 276 |
| (2) The candidate for congress of any other major political party under either of the following circumstances: | 277 278 |
| (a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary | 279 280 |

election. 281

(b) Only one person has filed a valid declaration of 282
candidacy for nomination as that party's candidate at the 283
primary election, that person has withdrawn or died, and the 284
vacancy so created has not been filled. 285

(B) (1) Except as otherwise provided in division (B) (2) of 286
this section, the boards of elections of all the counties 287
contained in whole or in part within the congressional district 288
for which a special election is being held under this section 289
shall conduct the special election on a date designated by the 290
secretary of state and give notice of the time and places of 291
holding the election as provided in section 3501.03 of the 292
Revised Code. The election shall be held and conducted and 293
returns of it made as in the case of a primary election, except 294
that the secretary of state shall designate the deadline to file 295
a declaration of candidacy or a declaration of intent to be a 296
write-in candidate for the election. 297

(2) If, for each nomination to be made at the special 298
election to be held under division (B) (1) of this section, only 299
one person has filed a valid declaration of candidacy or no 300
person has filed a valid declaration of candidacy, then no 301
special election shall be held. If no special election is held, 302
then for each nomination for which only one person has filed a 303
valid declaration of candidacy, the secretary of state, upon 304
receiving certification of that fact from the board of elections 305
of the most populous county of the congressional district, shall 306
issue a certificate of nomination to the person and the person's 307
name shall appear on the ballot as that party's candidate at the 308
general election. 309

(C) The Except as otherwise provided in section 3521.04 of 310

the Revised Code, the state shall pay all costs of any special election held under this section.

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Sec. 3513.312. (A) Notwithstanding section 3513.31 of the Revised Code, if a person nominated in a primary election or nominated by petition under section 3517.012 of the Revised Code as a party candidate for the office of representative to congress for election at the next general election withdraws as such candidate prior to the ninetieth day before the day of such general election, or dies prior to the ninetieth day before the day of such general election, the vacancy in the party nomination so created shall be filled in accordance with division (B) of this section as soon as reasonably practicable.

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(B) (1) Except as otherwise provided in division (B) (2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district in which a vacancy occurs as described in division (A) of this section shall conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding such election as provided in section 3501.03 of the Revised Code. Such election shall be held and conducted and returns thereof made as in the case of a primary election, except that the secretary of state shall designate the deadline to file a declaration of candidacy or a declaration of intent to be a write-in candidate for the election.

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(2) If only one person has filed a valid declaration of candidacy for the special election to be held under division (B) (1) of this section, or if no person has filed a valid declaration of candidacy, then no special election shall be held. If one person has filed a valid declaration of candidacy, the secretary of state, upon receiving certification of that

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fact from the board of elections of the most populous county of
the congressional district, shall issue a certificate of
nomination to the person and the person's name shall appear on
the ballot as that party's candidate at the general election.

(C) The Except as otherwise provided in section 3521.04 of the Revised Code, the state shall pay all costs of any special election held pursuant to this section.

Sec. 3521.03. When a vacancy in the office of
representative to congress occurs, the governor, upon
satisfactory information thereof, shall issue a writ of election
directing that a special election be held to fill such vacancy
in the territory entitled to fill it on a day specified in the
writ. Such writ shall be directed to the board of elections
within such territory which shall give notice of the time and
places of holding such election as provided in section 3501.03
of the Revised Code. Such election shall be held and conducted
and returns thereof made as in case of a regular state election.
The Except as otherwise provided in section 3521.04 of the Revised Code, the state shall pay all costs of any special election held under this section.

Sec. 3521.04. (A) Notwithstanding any contrary provision of the Revised Code, except as otherwise provided in division (D) of this section, if a special election is held under section 3513.301, 3513.312, or 3521.03 of the Revised Code on the first Tuesday after the first Monday in August, a political subdivision or taxing authority whose territory is located entirely within the applicable congressional district may also hold a special election on that day for any office, question, or issue, so long as the applicable deadlines described in division (B) of this section are met.

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| <u>(B) The deadlines applicable to a special election held by a political subdivision or taxing authority under division (A) of this section shall be the same as the deadlines specified to place the office, question, or issue on the ballot on the day of a primary or general election.</u> | 371 372 373 374 375 |
| <u>(C) If one or more political subdivisions or taxing authorities place an office, question, or issue on the ballot under division (A) of this section, the entire cost of the special election shall be divided proportionally between the state and each political subdivision or taxing authority based upon a ratio determined by the number of offices, questions, or issues placed on the ballot in each precinct by the state and each political subdivision or taxing authority.</u> | 376 377 378 379 380 381 382 383 |
| <u>(D) A political subdivision or taxing authority may not hold a special election under division (A) of this section for a purpose described in section 5705.194 or 5739.028, division (B) of section 5739.021, division (D) of section 5739.026, or division (I) of section 5748.09 of the Revised Code.</u> | 384 385 386 387 388 |
| Section 2. That existing sections 323.17, 3501.01, 3513.301, 3513.312, and 3521.03 of the Revised Code are hereby repealed. | 389 390 391 |